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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-eighth session

Summary record of the 1548th meeting
Held at the Palais des Nations, Geneva, on Friday, 3 November 2017, at 10 a.m.

Chair: Ms. Leinarte

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Combined second and third periodic reports of Oman

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Oman (CEDAW/C/OMN/2-3; CEDAW/C/OMN/Q/2-3 and CEDAW/C/OMN/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

2. **Mr. Al Kalbani** (Oman), introducing the combined second and third periodic reports of Oman (CEDAW/C/OMN/2-3), said that his Government was strongly committed to the empowerment of women. In the framework of his country's second universal periodic review in 2015, 44 of the 168 recommendations accepted by Oman had related to the rights of women in the public and private spheres. The Committee's concluding observations on the initial report of Oman had been disseminated to all government agencies, judicial authorities and relevant ministries. Since the examination of that report, Oman had withdrawn its reservation to article 15 (4) of the Convention, on freedom of movement.

3. Oman had achieved gender equality in primary and secondary education. The number of women graduating from higher education had increased by 93 per cent between 2012 and 2016. Progress had also been made in the health sector, where 61 per cent of newly qualified doctors in 2016 had been women. The number of women attending prenatal clinics had increased by more than 16 per cent between 2012 and 2016 and the maternal mortality rate had dropped from 17.8 to 13.4 per 100,000 live births during the same period.

4. In the political sphere, the Ministry of Social Development had run a training course for female candidates that had led to the success of seven women in the 2016 municipal council elections. The Government intended to increase the participation of women in future sessions of electoral boards.

5. Oman recognized that the advancement of women's rights began with their economic participation. Efforts were being made to create new employment opportunities for women in the tourism and private education sectors and to increase the number of training programmes available to girls. Between 2013 and 2016, women's representation had risen from 44 per cent to 47 per cent in the civil service and had reached 24 per cent in the private sector.

6. In 2017, 62 civil society organizations were working in the area of women's rights. Between 2011 and 2016, the authorities had invested 500,000 Omani rials (RO) in the construction of buildings to be used by those organizations.

7. Within the Ministry of Social Development, the department responsible for family protection dealt with reports of cases of human trafficking and domestic violence. Complaints could be made via a free telephone hotline.

8. The Ministry of Health was making efforts to raise awareness of harmful traditional practices, including female genital mutilation, that were prohibited under article 20 of the Child Act.

9. With regard to nationality, the children of Omani women married to foreigners were exempt from the requirement to obtain Omani citizenship prior to enrolling in higher education. They were also entitled to travel abroad for medical treatment.

Articles 1 to 6

10. **Ms. Haidar** said that she welcomed the numerous advances the State party had made in the area of women's rights, notably the lifting of its reservation to article 15 (4) of the Convention. She was, however, concerned that discriminatory provisions remained in place, including in the Personal Status Act. She would be interested to learn whether the Government planned to adopt general legislation to guarantee equality for women and to eliminate all forms of direct and indirect discrimination against them.

11. It would be helpful to receive information on any special mechanisms that were in place to receive and address complaints of violence and discrimination against women. She would be grateful for details of any cases that had been brought before the courts in that connection.

12. With regard to the State party's reservations to the provisions of the Convention that were not in accordance with the provisions of Islamic sharia law, she drew attention to the progressive approach that had been taken to legislation on personal status in other States parties that were bound by sharia law.

13. It would be useful to have an account of how the authorities were raising awareness of the importance of eliminating so-called honour killings.

14. She would welcome the delegation's comments on the steps being taken to ensure that the National Human Rights Commission respected the entirety of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) with a view to its being upgraded from category B to category A status.

15. **Mr. Al Nabhani** (Oman) said that it was important to remember that sharia law formed the basis of all legislation in Oman. The authorities had no plans to re-examine the laws on marriage and inheritance. Although dual nationality was prohibited, any child born on Omani territory was now automatically entitled to Omani nationality. The other restrictions that were in place regarding the passing of nationality did not run counter to those provisions of the Convention that had been incorporated into domestic legislation. The Ministry of the Interior scrutinized all laws and regulations promulgated by State bodies to ensure that they were in line with the Convention and did not discriminate against women. A prohibition on discrimination on the basis of gender was fully enshrined in the laws on education.

16. The possibility of lifting the remaining reservations to the Convention was being examined and would be the subject of a national review.

17. Work was ongoing to ensure that the National Human Rights Commission was fully compatible with the Paris Principles. The Commission had been accorded full administrative and financial independence via a royal decree. Efforts had been made to include as many women as possible among the Commission's members.

18. Mechanisms were in place to facilitate communication between civil society organizations and government bodies. No restrictions were imposed on the submission of parallel reports to the Committee from organizations working in the area of women's rights.

19. **Mr.** Abdulla Nasser **Al Rahbi** (Oman) said that parallel reports were submitted to the Office of the United Nations High Commissioner for Human Rights via the National Human Rights Commission and the Government had no access to them prior to their submission.

20. **Mr. Al Kalbani** (Oman) said that, since the 1970s, the position of women in society had gradually improved. Efforts were being made to enhance the collection of data relating to gender equality and the National Centre for Statistics and Information collected data disaggregated by gender.

21. **Mr. Al Rashdi** (Oman) said that the Personal Status Law regulated the conclusion of marriage contracts. Men and women had equal rights in that regard, but a woman could not marry without the permission of her guardian. If a woman's guardian refused to grant her permission to marry the man whom she wished to marry, she could submit the matter to the competent judicial authorities for a final decision. Women had the right to appeal such decisions directly to His Majesty the Sultan, but their guardians did not have that right.

22. **Ms. Haidar** said that she would be grateful for more information on cases in which the Convention had been invoked before the national courts. With regard to the State party's general reservation to those provisions of the Convention deemed not to be in accordance with sharia, she wished to note that certain aspects of human interaction did not fall within the scope of sharia. She would therefore urge the State party to embark on a process of modernization and reform.

23. **Ms. Gabr** said that she wished to note that several States in which Muslims made up a majority of the population had ratified the Convention without entering a general reservation to its provisions.

24. **Mr. Al Nabhani** (Oman) said that the National Commission for Family Affairs worked to ensure the implementation of the Convention and had organized workshops and training sessions on its provisions for judges and prosecutors. Legal decisions that conflicted with the Convention could be appealed and, if necessary, overturned. The Government had lifted some of its reservations to the Convention on the Rights of the Child following a process of consultation and it was expected that a similar process would take place for the Convention on the Elimination of All Forms of Discrimination against Women.

25. **Ms. Al Shukairi** (Oman) said that Oman was a regional leader in the collection of data on issues relating to gender. For example, the Ministry of Agriculture and Fisheries included a gender component in its data-collection practices.

26. **Ms. Nadaraia** said that she would appreciate information on the human and technical resources of the national machinery for the advancement of women, its capacity to coordinate a gender mainstreaming strategy across all public institutions and the competence of the National Commission for Family Affairs to conduct research and policy analysis and to provide policy advice. In addition, she would be grateful for more information on the gender budgeting strategies introduced by the Women's Affairs Department to ensure the full implementation of its various activities and programmes; the sectoral strategies formulated by the Ministry of Social Development to support women, children and persons with special needs, including information on their scope and expected impact; and the role of the National Human Rights Commission in the realization and promotion of women's rights.

27. **Ms. Ameline** said that, while the State party was to be commended for the innovative approach that it had taken towards the protection of women's rights, the representation of women in public and political life was unsatisfactory. In that connection, she wished to know whether the State party had adequate statistical tools with which to identify sectors in which the representation of women was particularly low, such that temporary special measures could be adopted to improve the situation. She would urge the State party to introduce measures, including quotas, if necessary, to ensure equal opportunities and rights in all sectors and at all levels.

28. **Mr.** Yahya Mohamed Zaher **Al Hinai** (Oman) said that women had the right to vote in elections for the Consultative Council and to be elected to the Council themselves. Efforts were being made to raise awareness among women of their right to participate in elections and to stand for election. Women were represented in the Government and the diplomatic corps. There were several government agencies responsible for protecting women's rights, and they had a presence across the country.

29. **Ms. Al Hashimi** (Oman) said that there were two women on the Board of Directors of the General Federation of Oman Trade Unions. In September 2016, a woman had been elected to head the construction industry. There were many other industries in which women were represented at a high level.

30. **Mr. Al Kalbani** (Oman) said that, although the current structure of the State budget made it difficult to identify the precise sum allocated to support women and children, the Government was working with the World Bank to develop a programme-based budgetary system, which would improve the availability of relevant data. The budget for the education sector was high, and girls and boys were brought up in a spirit of tolerance, which reduced their vulnerability to religious or sectarian extremism. Between the ages of 6 and 10 years, girls and boys were educated together.

31. Efforts were being made to promote tourism, and professional training courses on tourism had been introduced, including at the university level. Women made up the majority of university students. The Women's Affairs Department was the focal point for women's rights and was well funded. Its local branches worked with civil society organizations to launch initiatives aimed at promoting women's rights and a system was in

place to monitor the results of those initiatives. Seven women had won seats in the municipal elections, which showed that the efforts made to increase the advancement of women had been effective. It was hoped that similar results would be achieved in the elections for the Consultative Council. The Government was working with the United Nations Children's Fund (UNICEF) and a number of universities to improve the opportunities available to women.

32. **Ms. Haidar** said that she would appreciate confirmation that the national strategy for women entitled "Enhancing the Quality of Life" had indeed been adopted. In addition, she wished to note that a temporary special measure was a one-off measure aimed at achieving a specific goal. Some of the "temporary special measures" introduced by the State party to promote the advancement of women seemed not to meet that definition.

33. **Mr. Al Kalbani** (Oman) said that the strategy in question had indeed been adopted, and a copy of it could be made available to the Committee. Like many States, Oman had adopted a range of measures, including temporary special measures, to promote women's advancement in the political sphere. Nevertheless, a number of challenges remained in that regard. For example, women made up more than half of the electorate, but no woman had yet been elected to Parliament. The representation of women in Parliament was important because some draft laws concerned them directly and because the composition of Parliament should reflect that of the population as a whole.

34. **Ms. Gabr** said that the social and economic development measures mentioned in the report would make for only very gradual progress towards greater participation of women in society. More rapid steps were needed. Changing the negative stereotypes of women that were widespread in the region was the key to changing the negative image of women. In that connection, she would be interested to know whether the State party had coordinated with other countries in the region regarding the possibility of lifting its reservations to the Convention.

35. In the context of its cooperation with UNICEF, she wondered why the State party did not systematically change all the negative images in textbooks at all levels of education. The rights of women were mentioned often in the institutional sermon at Friday prayers, but only the rights of women as mothers. The Committee would appreciate it if the State party would pay attention to women's other roles.

36. She would be interested to know whether the State party had analysed the image of women projected in the media. If so, was that image positive or negative and could it be changed? She wondered what role civil society and the clergy might play in leading a wider debate on stereotypes.

37. The reference to female genital mutilation in the delegation's opening statement placed the practice in the context of the Child Act, yet that legislation did not explicitly refer to female genital mutilation, merely making a generic reference to harmful acts. She hoped that the forthcoming regulations to the Act would contain an explicit reference to female genital mutilation, including a definition and penalties for those practising it. She urged the State party to take account of the Committee's joint general recommendation No. 31 and general comment No. 18 of the Committee on the Rights of the Child on harmful practices (CEDAW/C/GC/31-CRC/C/GC/18), in preparing the regulations.

38. In the State party's view, there was no need to adopt a special law on domestic violence. She therefore wondered if there were any plans to insert provisions criminalizing domestic violence into the revised Penal Code.

39. She would like to know who was responsible for taking action on complaints of violence made over the telephone hotline. Were women officials involved in order to prevent embarrassment to women complainants?

40. **Ms. Narain** said that the United States Department of State Trafficking in Persons Report 2017 had placed Oman for the second consecutive year in the tier 2 watch list, noting that it did not meet the minimum standards for the elimination of trafficking but continued to be a destination and transit country for women subjected to forced labour and sex trafficking. She would like to know whether the memorandums of understanding on the subject of trafficking, signed by the State party with a number of other countries, provided

for cooperation and mutual assistance in investigating and the securing of evidence for the purpose of investigation and prosecution. If so, she asked how many requests for assistance had been made leading to successful investigation and prosecution since 2016, whether the requests were handled by a central authority, whether there were any plans to enter into further memorandums of understanding, and whether any joint investigations with other countries had led to requests for extradition in relation to trafficking offences.

41. Reliance seemed to be placed on the idea that victims of trafficking would report and self-identify and there was still no mechanism for proactive identification of victims among vulnerable groups. Yet victims were most reluctant to report offences for fear of being stigmatized, dismissed or ridiculed by the authorities. The police clearly needed a dedicated trafficking section and she wondered whether the State party had considered establishing, for example, a women's desk in larger police stations in order to encourage women to report complaints. She asked how many cases of trafficking had been reported via the hotline in 2016 and 2017 and whether translators were provided in order to help record complaints from foreign victims.

42. The number of investigations and prosecutions for trafficking was still disproportionately low compared with the real extent of trafficking. She enquired what the State party proposed to do to step up the number of investigations and prosecutions, for example by taking a more proactive approach. She wondered how the State party ensured that investigations were carried out with sensitivity and with due regard for the victims' privacy. She would like to know in how many cases compensation had been awarded to victims in 2016 and 2017.

43. The Dar al-Wifaq shelter seemed to be well endowed financially but had, to date, accommodated few victims. She wondered whether the existence of a shelter was publicized among vulnerable groups. The Committee understood that women were referred to the shelter only when the perpetrator was to be prosecuted, which was unfair to victims, since they had no control over the quality of the evidence required to determine whether to prosecute. She wondered whether the State party could consider ensuring that victims of trafficking were referred to the shelter regardless of whether the offender was to be prosecuted. In the light of a report that victims staying at the shelter were sometimes prevented from leaving, she asked the delegation to confirm that residents, especially foreign victims, enjoyed freedom of movement. As for migrant workers, she asked what could be done to ensure that the lengthy complaints procedure was speedier and more woman-friendly, and how employment agencies could be better regulated, especially with regard to the *kafalah* system. Lastly, she asked whether Oman intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

44. **Mr. Al Nabhani** (Oman) said that the standard Friday sermons were issued by the Ministry of Endowments and Religious Affairs, which made sure that they contained no negative or discriminatory statements. The sermons sought to raise awareness of women's rights and duties in line with religious teachings.

45. The fact that the regulations to the Child Act had not been issued did not mean that practices harmful to children were legitimate. As well as that Act, the Penal Code also prohibited harming children. Female genital mutilation and excision were both criminal offences and anyone engaging in such practices was subject to criminal penalties.

46. As for domestic violence, the problem was not one of legislation but rather of practice, in that victims often did not make use of the justice system. Under forthcoming new legislation, sentences for domestic violence would be increased.

47. **Ms. Al Raqaishi** (Oman) said that Oman was a party to the Riyadh Convention on Judicial Cooperation, which covered all offences, including trafficking. The identification of victims required a collaborative effort. The National Committee on Human Trafficking comprised experts from most government authorities, ministries and the judiciary, and formulated strategies to combat trafficking. A three-month campaign was currently under way to raise awareness among the community and among victims themselves. Training was provided for those who worked with trafficking issues and the Sultanate of Oman and the Embassy of the United Kingdom had recently organized joint workshops to train judges

and members of the prosecution service and the police in identifying the victims of human trafficking.

48. Using the hotline, victims could contact the prosecution or the police easily and directly. There were male and female physicians available to take action on such complaints. Victims resident in the Dar al-Wifaq shelter were not considered accused persons and were therefore free to come and go as they wished.

49. **Mr. Al Rashdi** (Oman) said that the judiciary did not take crimes such as trafficking in persons lightly. The criminal courts and higher courts had always imposed severe sentences as a means of deterring other potential perpetrators.

50. **Mr.** Yahya Mohamed Zaher **Al Hinai** (Oman) said that Dar al-Wifaq was able to provide social and psychological assistance services, as well as legal experts to follow up on questions of rights. The shelter had ample capacity for new cases. Civil society organizations were active in raising awareness and also in representing victims in court. Residents were permitted to go out, but they were accompanied for their own protection: certain people might wish to put pressure on them to drop their complaint.

51. **Mr. Al Kalbani** (Oman) said that an international expert was working with the Ministry of Foreign Affairs and the Ministry of Social Affairs to find solutions to the problem of trafficking, including the use of preventive measures.

52. The Friday sermons were not the only means of communication on issues such as women's rights. The Government also worked through the social media and with other technologies to promote a positive image of women. The Ministry of Endowments and Religious Affairs ran a programme on tolerance in cooperation with several other countries.

53. **Ms. Gabr** asked whether it would be possible to make explicit reference to female genital mutilation in the regulations to the Child Act that were due to be issued. In view of the plans to amend the Penal Code, she would appreciate some information on the provisions of the Code relating to domestic violence.

54. **Ms. Haidar** said that article 38 (2) of the Penal Code permitted the disciplining of a spouse, which was no longer acceptable. Much remained to be done in changing mindsets with regard to both violence against women and female genital mutilation. Any law that was passed in that regard must state clearly that female genital mutilation and excision were criminal offences. The State party could still do much more to stop violence against women being seen as acceptable.

55. **Ms. Al Raqaishi** (Oman) said that article 38 (2) of the Penal Code made no mention of the disciplining of wives or daughters.

56. **Ms. Haidar** said that it might not be explicitly mentioned but the implication was there.

57. **Ms. Al Raqaishi** (Oman) said that the text of the article read: "If a father or teacher hits a child in accordance with general custom, this is not an offence".

58. **Ms. Haidar** said that the implication of the text was that such discipline was tolerated.

59. **Mr. Al Rashdi** (Oman) said that there had been numerous court rulings upholding a woman's request for divorce on the grounds that her husband had beaten her. That showed that such acts were not acceptable in law and that victims could bring complaints. Perpetrators were liable to punishment, including prison sentences.

60. **Mr. Al Nabhani** (Oman) said that the new legislation precluded the disciplining of women.

Articles 7 to 9

61. **Ms. Ameline** said that the main problem that the State party had to solve with regard to women's participation in political life was the lack of female candidates. There needed to be strong incentives, bolstered by a positive political discourse encouraging a break with behaviours that were sometimes circumscribed by a form of cultural rigidity. In addition, it

was important to give maximum visibility to women in the public arena. Taking 30 per cent as the minimum level at which women could exert an influence in decision-making bodies, she asked what proactive steps, including financial incentives to organizations and guidance to women in the assumption of responsibility, the State party was considering in order to guarantee an inclusive democracy.

62. **Ms. Chalal**, welcoming the positive changes brought about by the adoption of the new Omani Nationality Act in 2014, said that she nonetheless wondered whether the State party had made any plans to repeal the Act's discriminatory provisions. It would be interesting to know, for instance, whether the Act would be amended to enable Omani women married to foreign nationals to pass their Omani nationality on to their children on an equal basis with Omani men married to foreign nationals. Similarly, she wondered whether the foreign spouses of Omani men would be allowed to apply for Omani citizenship on an equal basis with the foreign spouses of Omani women, for whom the requirements were more stringent. It would also be interesting to know how many children of Omani women married to foreign men had received Omani citizenship since the entry into force of the new Act.

63. In addition, she wished to know how the Omani authorities intended to ensure that the revocation of the citizenship of Omani nationals who tarnished the image of the country, provided for under the Act, was not used as a tool of intimidation and did not lead to statelessness. She reiterated the Committee's call for the State party to withdraw its reservation to article 9 of the Convention. In that regard, Oman could take inspiration from a number of other Muslim countries, including her own, Algeria.

64. **Mr. Al Nabhani** (Oman) said that Omani women had long had the right to vote and stand for office. The authorities were nonetheless planning to adopt temporary special measures to address the underrepresentation of women on the Consultative Council.

65. Although Omani citizenship was not automatically granted to the children of Omani women married to foreign nationals, the mother's Omani nationality could be transmitted to her children under the conditions set forth in the Nationality Act. Foreign nationals who were married to Omani women were accorded preferential treatment under the Act, as they were entitled to apply for citizenship after 15 years' residence in Oman, whereas foreign nationals not married to Omani citizens were subject to a 20-year residence requirement. Foreign women married to Omani men, on the other hand, could apply for Omani citizenship after 10 years.

66. The 15-year requirement had been instituted to ensure that Omani women were not used as a simple means of obtaining citizenship. The children of Omani women married to foreign nationals had access to health care and education on an equal footing with Omani children. It should be kept in mind, however, that the drafting of the Nationality Act had been informed by the assumption that such women left Oman. Although it was possible to deprive an Omani national of his or her citizenship, no such action had ever been taken.

67. **Mr.** Abdulla Nasser **Al Rahbi** (Oman) said that nationals of the countries of the Persian Gulf, Oman included, were often outnumbered by migrant workers, some of whom were not above marrying local women for mercenary reasons. The requirements set forth in the Nationality Act were intended to protect Omani nationals from such behaviour. Fifteen years could seem like a long time, but the intention had been to prevent marriage fraud.

68. **Mr. Al Kalbani** (Oman) said that, since 1994, when women had been granted suffrage and the right to stand for office, they had never accounted for more than two of the members of the country's Consultative Council. It had become clear that special efforts, such as training and outreach, would be needed if more women were to win seats on the Council. Seven women, including two in the relatively remote governorate of Al Buraymī, had won seats on municipal councils in 2016. It was a comparatively small number. Other women served as appointed members of local governing bodies. The affirmative action programme to be put in place by the Government should enable women to participate more fully in the public and political life of the country.

69. **Ms. Haidar** said that she wished to know why the Nationality Act could not be amended to require the foreign spouses of Omani men and women to satisfy the same

residence requirements if they wished to apply for Omani citizenship. In addition, it was unclear why holding dual nationality should be prohibited. A woman often needed to acquire her husband's nationality, in particular if she lived in his country. She should not be deprived of her original nationality in those circumstances.

70. She welcomed the news that the Omani Government intended to take special measures to promote the participation of women in public life. It was clear, however, that those measures would have to be accompanied by major outreach efforts designed both to change attitudes towards women and to boost women's confidence in themselves.

71. **Mr. Al Nabhani** (Oman) said that nothing prevented Omani lawmakers from reviewing the differing residence requirements in the Nationality Act. Dual citizenship caused a number of potential problems and, in any event, the prohibition applied to both men and women.

72. **Ms. Verges** said that every effort should be made to ensure that women accounted for a significant percentage of the members of municipal councils. The State party's readiness to promote the participation of women in political and public life was admirable, but specific steps should be taken to make certain that women were in a position to win election to all its publicly elected bodies, the municipal councils in particular.

73. **Mr. Al Kalbani** (Oman) said that the Omani authorities were working to ensure that greater numbers of women were elected to the Consultative Council and to municipal councils throughout the country. The aim was to attain percentages for the representation of women that were satisfactory both to the people of Oman and to the international community.

Articles 10 to 14

74. **Ms. Song** Wenyan said that, although the State party had made remarkable progress in enabling women and girls to exercise their right to education, it was unclear, for example, how many girls dropped out of school, as the dropout rate did not seem to appear in the documents submitted by the State party. It would thus be interesting to know what the rate was, why girls dropped out and what efforts had been made to prevent them from doing so.

75. She also wondered what measures had been taken to ensure that girls in rural areas, in particular those from poor or nomadic families, had access to education on a basis of equality with others and whether gender equality was a subject covered in rural schools. In addition, she wished to know what educational opportunities were available to girls who chose not to pursue a general education diploma. Lastly, she asked whether there had ever been a study of gender stereotyping in school curricula and textbooks in Oman and, if so, what the findings of the study had been.

76. **Mr. Bergby** asked what steps had been taken to increase the rate of female participation in the workforce, especially in the private sector, and whether any plans had been made to extend the period of paid maternity leave. In addition, he asked whether the proposed labour law reforms had been adopted and, if not, what the time frame for their adoption was. An indication of the improvements contained in the reforms would also be welcome.

77. It would be interesting to know whether announcements of vacancies for government positions for which being male was listed as a requirement were legal under the Omani Labour Code and, if they were not, whether any plans had been made to make it mandatory for public agencies not to include gender requirements in vacancy announcements. In that connection, he wondered why the State party had regulations limiting the hours that women could work at night and the kinds of jobs that they could do and wished to know whether any plans had been made to repeal or loosen those regulations.

78. In addition, he asked what measures had been taken or were planned to change the *kafalah* system, which tied migrant domestic workers, most of them women, to their employers and left them vulnerable to abuse. Similarly, he wondered whether any steps were being taken to ensure that foreign domestic workers were fully protected by Omani labour law, to investigate the abuse and exploitation of such workers and to prosecute the

perpetrators. In that connection, it would be interesting to learn whether the Omani authorities intended to increase the number of labour inspectors and give them the training that would enable them to address the workplace problems commonly encountered by domestic migrant workers. He also asked what steps were being taken to ensure that domestic workers were aware of their rights and what efforts had been made to enforce the ban on the confiscation of their passports by their employers. Lastly, he wished to know whether a law or other regulation prevented Oman from ratifying the International Labour Organization Domestic Workers Convention, 2011 (No. 189) and, if not, whether it had any plans to do so.

79. **Ms. Al Yahyai** (Oman) said that, in the 2015/16 school year, around 1.3 per cent of students had dropped out between primary and secondary school. Education in Oman, it should be recalled, was free, as were school transport and books. Efforts were made to ensure that girls who dropped out for particular reasons could continue their education. They could study for their school-leaving examinations at home, for example, or they could go to special educational centres. There were also special literacy centres. Women's associations and government agencies worked together to ensure that girls in rural or nomadic areas could attend school. School supplies were provided free of charge in those areas, and private sector employers provided special scholarships for rural and nomadic students.

80. School curricula, which had been redesigned in part to do away with the stereotypes that they reinforced, included the topic of gender equality. Boys and girls shared classrooms in primary school. Combating stereotyped views of girls and women began in those years.

81. **Mr. Al Nabhani** (Oman) said that education was compulsory in Oman. Parents who deprived their children of the right to attend school could be fined or even imprisoned.

82. **Mr. Al Kalbani** (Oman) said that the dropout rate, as had been mentioned, was very low. A more pressing issue in Oman was the education of children with disabilities.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1549

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-eighth session

Summary record of the 1549th meeting
Held at the Palais des Nations, Geneva, on Friday, 3 November 2017, at 3 p.m.

Chair: Ms. Leinarte

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined second and third periodic reports of Oman (*continued*) (CEDAW/C/OMN/2-3; CEDAW/C/OMN/Q/2-3 and CEDAW/C/OMN/Q/2-3/Add.1)

1. *At the invitation of the Chair, the delegation of Oman took places at the Committee table.*

Articles 10 to 14 (continued)

2. **Ms. Al Hashimi** (Oman) said that the General Federation of Oman Trade Unions organized awareness programmes to encourage women to enter the workforce and had carried out on-site visits to help define the problems encountered by women in the world of work. Women were entitled to 50 days of maternity leave with full pay, which could be taken before and after the birth, and the entitlement was valid during a woman's time with a given employer for the birth of up to three children. Trade unions had also negotiated to obtain certain additional rights and benefits for women during the neonatal period. The fact that women were legally prohibited from working between 9 p.m. and 6 a.m. was generally perceived by Omani women as a positive and protective measure: women often had to assume family responsibilities, which meant that they had to be available during that time. Notwithstanding the general prohibition, the law allowed for special dispensations, so the prohibition was not seen as a restriction.

3. Omani legislation on domestic labour was in conformity with international standards. Decrees issued in 2004 and 2011 established that each domestic worker must have a contract and that wages for a given month must be paid by the end of the first week of the following month. Employers were obliged to provide lodging, medical care, 30 days of paid leave over a two-year period and sick leave. Domestic workers were also provided with transport home during their annual leave and at the end of their contracts. In the event of disputes, there was a mediation mechanism. The Women's Affairs Committee of the General Federation of Oman Trade Unions worked to inform domestic workers of their rights and a committee had been established to maintain contacts with the embassies of domestic workers' countries of origin, and also with the authorities and the police, so that it could be of assistance in case any problems arose. Meetings had been held by employers' and workers' organizations to encourage domestic workers to organize and the General Federation had established a commission specifically to address the needs of foreign workers. It was true that job announcements and advertisements often contained discriminatory criteria, but complaints could be filed against such practices.

4. **Mr. Al Nabhani** (Oman) said that the word "*kafalah*" was often used to describe the link between employers and workers, but it was not a legal concept. In legal terms, such relations were governed exclusively by the Labour Code and were based on contractual agreements entered into freely. Under the law, foreign workers had certain basic rights, such as the right to a decent standard of living, to coverage by social insurance schemes and to protection against the confiscation of travel documents. Any other conditions of employment stemmed from voluntary contracts with the employers. Foreign workers already had contracts upon arrival in Oman. If their employment relationship ended, they were able to take employment with other employers. There had been some cases of abuse, and employees had taken their cases to the Ministry of Labour or even before the justice system to assert their rights. Forced labour was, of course, prohibited by law.

5. **Ms. Al Raqaishi** (Oman) said that any confiscation of passports was considered to constitute a restriction of personal freedom, as guaranteed under the Constitution. Employees had the right to be in possession of their passports.

6. **Mr. Bergby** said that it would be useful to the Committee to hear more about the new labour law. Notwithstanding the protection afforded to women by the ban against night work, the legal prohibition of the employment of an entire group also represented a

limitation of the right of individuals to work. If a woman wished to work during the night, she should be able to.

7. **Ms. Song** Wenyan, noting that a high percentage of university graduates were women, said that she would be interested to know what subjects they predominantly studied and whether women and girls were encouraged to take courses of study in non-traditional fields such as science, engineering, information technology and mathematics. The introduction of more women into such fields would not only have an impact on individuals' future career paths but would also help to overcome social stereotypes and ideas about gender roles that persisted in society. She wondered whether there were any plans to assess the current education system with a view to closing the gender gap.

8. **Mr. Al Kalbani** (Oman) pointed out that women did indeed work at night, for example in hospitals, at airports and in the police force and the military, where shift work was required. Some women also worked at night for private companies. All academic disciplines were open to members of both sexes, so long as they met the admissions criteria.

9. **Mr. Al Nabhan.** (Oman) said that the new labour law was being drafted. The Government was currently consulting employers on the initial draft and would soon submit it to an advisory council and then to the Council of State before it was published. The bill included provisions to protect domestic workers, in line with international standards. Night work was prohibited in certain sectors listed by the Council of Ministers, but in other sectors women were able to work at any time. The law did not violate the rights of women; when arrangements were made to circumvent the prohibition, neither the women nor the employers in question were subject to any penalties.

10. **Ms. Al Yahyai** (Oman) said that female high school graduates were prepared for university study in any discipline and that the number of females studying sciences had been increasing at both secondary and university level. Considerable research into the education system had been carried out, including a number of academic studies focusing on the problem of school dropouts.

11. **Mr. Al Rashdi** (Oman) said that the prohibition against night work for women was a form of positive discrimination that gave female employees an argument unavailable to their male counterparts that could be invoked if their employers tried to insist that they work at night. The law did not preclude voluntary agreements allowing for night work.

12. **Ms. Hofmeister** commended the State party for the progress made on the provision of women's health services. The Committee was, however, concerned that abortion remained illegal and was permitted only when the life of the mother was in danger. Noting that other Muslim countries had legalized abortion in cases of rape or incest or in the event of a serious malformation of the fetus, she asked whether the State party had plans to relax the ban on abortion. The delegation should also describe the State party's efforts to reduce the prevalence of harmful practices such as female genital mutilation, which had no connection with religion and was a patriarchal practice similar to torture, and face covering, which was a harmful practice that must be considered a severe violation of the dignity of all women and girls. The delegation should provide data on the prevalence of vesicovaginal fistulas and similar afflictions and on the financial burden on the medical system of the provision of health care for victims of harmful practices.

13. The Committee had heard that many women and girls in Oman had limited knowledge of sexual and reproductive health issues owing to social and cultural barriers. Their lack of knowledge resulted in teenage pregnancies and the transmission of sexually transmitted diseases, including HIV/AIDS. The Committee would be interested to hear about efforts to increase access to information and the availability of modern and emergency contraceptives.

14. Victims of rape and other forms of sexual violence should not have to be confronted with male doctors when they sought help. She wondered whether the State party had difficulty in providing female medical staff to care for such victims.

15. Lastly, she wished to know to what extent alcohol and drug abuse were a problem for adolescents in Oman and what measures the authorities had taken to address such issues.

16. **Ms. Jahan** noted that social security benefits were available for specific groups such as widows, older women, divorced women, women abandoned by their husbands and women who had never married and lacked resources. The Committee would appreciate data showing the distribution of such benefits disaggregated by sex, and with a comparison between disbursement to urban and rural populations. The fact that the retirement age was set at 60 years for men and 55 for women placed women retirees at a disadvantage, as they had less opportunity to contribute to retirement schemes. A widow was reportedly entitled to half her deceased husband's pension, whereas a widower received his wife's full pension. Did the authorities have any plans to address such inequality?

17. A royal decree of 2013 had granted women the right to have equal access to bank loans and mortgages and she asked how many women had obtained such loans and for what purposes. The Committee would also be interested to hear of any special tax relief available to women taxpayers. According to the State party, special measures were taken to encourage female participation in sports activities "suited to girls". The Committee would like to know whether such measures were effective in rural settings, and also what kinds of activities were considered unsuitable for girls, and why. It would be appreciated if the delegation would submit information on the progress made in the gender-responsive implementation of the 2030 Agenda for Sustainable Development. The gender digital divide was a major concern for many countries and she wondered what efforts had been made to address the challenges faced by women and girls in acquiring skills and training in information and communication technologies.

18. She asked whether there was a mechanism to monitor the implementation of programmes that benefited rural women, including the long-term National Agricultural Development Strategy 2015-2040, the Agricultural and Fisheries Development Fund and the special fund of the Oman Development Bank. Women in mountainous and remote areas and nomadic women had difficulty in securing access to education, health care and income-generating activities and had limited opportunities for participation in decision-making in the household and in their communities. How did the State party address those challenges? She also wished to know what kind of training was provided for rural women to build their capacities for entrepreneurship. Noting that there had been a large migration of men from rural to urban areas, she asked whether any studies had been conducted of the impact of that migration on rural women. She encouraged the State party to consider the Committee's general recommendation No. 34 (2016) on the rights of rural women.

19. Women and girls with disabilities faced multiple forms of discrimination. The Committee would be interested to learn of measures taken to ensure that their rights were incorporated into national policies.

20. The Special Rapporteur on the right to peaceful assembly and association had in 2014 issued a statement referring to a pervasive culture of silence and fear among persons wishing to work for reform in Oman. The situation had evidently not changed very much since then. Women human rights defenders reportedly faced harassment and arbitrary detention. She asked what measures were being taken to facilitate the legitimate work of such women and to protect them from abuse, and from violence and mistreatment when they were in detention, in line with international standards. She wondered whether the authorities would consider the designation of an ombudsman with a gender focus to defend the rights of women deprived of their liberty. Lastly, she wished to know whether women had been actively involved in the drafting of the national strategy to deal with climate change and whether a gender perspective had been incorporated into climate change adaptation and mitigation measures.

21. **Ms.** Fatima Ibrahim Saoud **Al Hinai** (Oman) said that, although abortion was currently prohibited unless a pregnancy placed a woman's life in danger, the Government was considering legalizing abortion in cases of fetal malformation.

22. Under the implementing regulations of the Child Act, female genital mutilation was considered to be harmful. Since 2007, girls who had been victims of the procedure had had the option of filing a complaint through the Ministry of Health. The Ministry and the bodies responsible for the protection of children worked together to identify and report cases of

female genital mutilation and to implement protective measures in all the governorates of the Sultanate.

23. The Ministry of Health, in collaboration with the United Nations Children's Fund (UNICEF) and the Ministry of Education, had published a book, aimed at teenagers, that contained chapters on maternity, pregnancy and the spacing of births within families. A code of medical practice had been established that addressed health issues related to puberty and programmes that raised teenagers' awareness of such issues had been developed. Publications on adolescents' physical and psychological development during puberty were issued to health workers, parents and adolescents themselves. Information services provided advice on family planning and contraception. Such information was incorporated into the primary health education programme and distributed through a large network of primary care centres.

24. Medical institutions where a large proportion of the doctors were women provided medical support and care for victims of rape and sexual abuse. The doctors also helped to ensure that victims had access to justice.

25. Although few women smoked in Oman, rehabilitation clinics had been established in primary health centres that provided health advice to women smokers.

26. Campaigns were carried out in each governorate to raise awareness of HIV/AIDS and an HIV/AIDS day was held every year. Over 90 per cent of pregnant women were screened for HIV/AIDS and advice was provided to those who tested positive in order to help prevent mother-to-child transmission.

27. **Mr.** Yaher Mohamed Zaher Al **Hinai** (Oman) said that, in order to promote family stability, around 80,000 families received social support of some kind. Under domestic legislation, priority was given to divorced women, widows, orphans, unmarried women and other vulnerable groups. Since 2011, the provision of social benefits had increased significantly.

28. Men and women who wished to set up businesses or receive social support had equal access to interest-free bank loans. Furthermore, a fund established by the Development Bank made loans of up to 5,000 omani rials (RO) available to individuals.

29. **Ms. Al Shukairi** (Oman) said that, since the promulgation of Royal Decree No. 6 in 2013, and the establishment of a special fund in 2014, funding had been provided for around 530 business projects. A raft of programmes had been established to provide support for projects initiated by rural women entrepreneurs. A unit within the Government provided funding, legal advice and training for women who wished to set up businesses. A specific programme aimed at rural women enabled them to obtain loans of up to RO 20,000. Small and medium-sized enterprises initiated by rural women were not taxed.

30. Since the Government's adoption of the Sustainable Development Goals in 2015, the Ministry of Agriculture and Fisheries had developed all its policies on the basis of those Goals. In accordance with Goal No. 5, a study had recently been carried out, in collaboration with the Food and Agriculture Organization of the United Nations (FAO), on the right of women to own land. Indicators had been drawn up that would be used to monitor the attainment of the targets set out in the Goals.

31. In collaboration with international organizations such as FAO and the African-Asian Rural Development Organization, studies had been carried out to monitor the extent and nature of the rural exodus. As a result, over 50 national reports on the subject had been drawn up.

32. Women had been involved in all stages of the drafting of the country's climate change strategy and were vital partners in its implementation. The Ministry of Agriculture and Fisheries took the issue of climate change into account in its development plans, which aimed to support rural women through research and modern technology and enable them to adapt to climate change.

33. Statistics for the period 2000-2012 showed that 749 awareness-raising campaigns aimed at rural women had been conducted through the media. Some 425 vocational training

activities had been conducted for rural women and 2,000 productive projects had been set up.

34. **Mr. Al Nabhani** (Oman) said that women had the option of retiring at 55 years of age but were not required to do so. By contrast, men had to work until the age of 60 before they could draw a pension. In that regard, women were better off than men.

35. Women and men had an equal right to own property. In accordance with the law on civil property transactions, women were able to own and dispose of civil and commercial property independently of their husbands.

36. The right to freedom of expression was enshrined in domestic legislation. There had been no cases of enforced disappearance in Oman. The State appointed lawyers to represent individuals who could not afford to pay for one themselves and defendants had the right to file appeals before the courts of appeal. Persons who had been arbitrarily detained had the right to compensation.

37. Any citizen had the right to set up an association by submitting a request to the Ministry of Social Development, which was required to respond within 30 days. All refusals were required to be properly justified and individuals whose requests had been refused could appeal.

38. **Ms. Jahan** said that it was still not clear what programmes had been established to ensure that women and girls with disabilities had access to justice.

39. Noting that retirement benefits were calculated on the basis of the number of years worked, she asked the delegation to confirm that all women had the option of working after the age of 55 years.

40. She asked the delegation to comment on reports that widows could not claim all of a deceased husband's pension, whereas widowers could claim all of a deceased wife's pension.

41. She asked whether an ombudsman would be established to monitor the situation of women in detention and the conditions in detention centres.

42. **Mr. Al Kalbani** (Oman) said that the 11 pension funds that existed in Oman all served to support women and the family. Widows and widowers enjoyed the same rights to claim their deceased spouse's pension. The exact size of the pension received by a widow depended on the nature of her situation, including the number of children that she had. Widows who did not receive a pension from their deceased spouse received one from the Ministry of Social Affairs.

43. Although there was no ombudsman in Oman, all citizens in every governorate had access to justice through the courts.

44. **Mr. Al Rashdi** (Oman) said that the size of the pension received by a beneficiary was determined in accordance with the regulations in force. Where there was more than one beneficiary, the pension would be divided between the various beneficiaries.

45. **Ms. Al Raqaishi** said that, under article 30 of the Prisons Act, the authorities were required to receive complaints from inmates and, if necessary, to transmit them to other authorities. The Office of the Prosecutor handled all complaints filed by prisoners and judges sometimes visited prisons in order to investigate complaints.

46. **Mr. Al Nabhani** (Oman) said that persons with disabilities were entitled to have access to justice in accordance with the Basic Law of the State, which granted legal representation to all people in Oman, irrespective of their nationality or gender. Persons with disabilities had the right to legal assistance and counsel and were exempt from paying legal fees.

47. A widower was not entitled to all his deceased wife's pension unless he was unemployed or unable to work. By contrast, a widow was entitled to all her deceased husband's pension. Although children were entitled to a share of a deceased father's pension, that share would revert to the widow if they died before she did.

48. **Mr.** Yaher Mohamed Zaher **Al Hinai** (Oman) said that, in addition to periodic visits, unscheduled visits were conducted to prisons and follow-up procedures were initiated in response to any complaints.

49. **Ms. Al Shukairi** (Oman) said that women who had suffered losses as a result of climate change were either granted financial compensation by the Government or helped to establish a new agricultural project.

50. **Mr. Al Kalbani** (Oman) said that women were prohibited from wearing the niqab during working hours and in public institutions.

51. **Ms.** Fatima Ibrahim Saoud **Al Hinai** (Oman) said that men and women enjoyed an equal right to health-care services. Article 5 of the Welfare and Care of Persons with Disability Act provided that they would receive preventive and therapeutic care. In order to detect and prevent cases of fetal malformation, pregnant women underwent ultrasound tests and were given folic acid. The sight and hearing of infants were tested and children aged 18 months and over were tested for autism. When children started school, their hearing, sight and speech were tested again. Special services were provided for men and women with disabilities and health services catering for them were evaluated.

52. **Mr.** Yahya Mohamed Zaher **Al Hinai** (Oman) said that women with disabilities were provided with support through rehabilitation programmes and care services run by both government bodies and civil society organizations. In accordance with the Labour Act, a certain proportion of jobs were reserved for persons with disabilities, who were provided with any medical assistance that they required. Public buildings and government offices had been made accessible to persons with disabilities.

53. **Ms. Al Yahyai** (Oman) said that sports activities were equally available in rural and urban areas. From an early age, girls and boys had physical education at school and were entitled to take part in all types of sports, without discrimination. Pursuant to Royal Decree No. 81/2007, women could establish sports clubs and associations and serve on boards of directors of sports associations, including the Omani Olympic Committee. Efforts were made to foster women's participation in sports and to make them inclusive for women with disabilities. Sports clubs were present in virtually all parts of the country and women were able to engage freely and without limitation in all activities.

54. **Ms. Verges** said that further clarification on survivors' pensions was needed, since, if she had understood correctly, it seemed that such pensions were provided to surviving spouses depending on their needs or circumstances. Since individuals contributed to pensions throughout their working lives, pensions should always be paid, regardless of the individual's specific circumstances.

55. **Mr. Al Kalbani** (Oman) said that no such distinction was made in terms of pension rights. An individual's pension entitlements were automatically paid to the surviving spouse or children, as applicable. Surviving spouses were also entitled to receive other benefits.

Articles 15 and 16

56. **Ms. Haidar**, welcoming the introduction of Royal Decree No. 68/2008, a positive development that accorded equal treatment to the witness testimony of women and men in civil and criminal matters, said that she wished to know whether that principle was also applied in the sharia courts. Regarding freedom of movement, she wondered whether the amendments made to the Passport Act, enabling a woman to obtain a passport without the consent of her husband, was being implemented in practice and whether women were aware of their rights in that regard. She wondered whether the sum paid in blood money, an indemnity for victims' families in cases of accidental death or injury, was the same for women and men. Moreover, the term "blood money" had religious connotations. Why not just call it "civil compensation"?

57. **Ms. Hofmeister**, turning to the subject of marriage and family relations, said that she was concerned at the State party's continued reservation to article 16 of the Convention and the fact that the Personal Status Act was based on sharia law, which, in Oman, was influenced by the *ibadi* school of Islamic jurisprudence, was not in line with the Convention

and was discriminatory against women. Equality under the Convention meant substantive equality and non-discrimination. She would urge the State party to consider the best practices of other Islamic countries with a view to possible reforms. In that connection, she wished to know what steps had been taken to prohibit polygamy and amend the provisions governing existing polygamous marriages; what measures were envisaged to tackle the system of male dominance and guardianship that pervaded society; and how the State party prevented the marriage of minors. Regarding divorce rights, it was unacceptable that a man could unilaterally divorce his wife, whereas a woman could only apply to divorce her husband only on limited grounds, with his consent and at significant cost. More information on the different models of divorce should be provided. She would welcome an explanation of inheritance laws in Oman, and in particular why women inheritors were not treated on an equal footing with their male relatives. Lastly, she wondered what timeline was envisaged for the withdrawal of the State party's remaining reservations to the Convention.

58. **Mr. Al Rashdi** (Oman) said that Omani legislation was applied equally in the civil and sharia courts. Generic Islamic jurisprudence was applied in Oman, rather than the jurisprudence of a particular school of thought, such as *ibadi*. There were no restrictions on a woman's right to obtain a passport and travel. The concept of blood money was viewed as a form of tribute rather than compensation. Insurance companies made the payment on behalf of the person who caused the accident.

59. The Personal Status Act did not compromise women's rights. The equal rights of women and men that it enshrined were based on law. Men had certain obligations and responsibilities, as did women. As for divorce, a woman could petition the courts for a divorce if the relationship had broken down irreparably.

60. **Mr. Al Nabhani** (Oman) said that a number of committees had been set up to consider turning the concept of blood money into something more akin to civil compensation. Currently, the blood money payable to a woman was half the amount that was payable to a man. That was largely at the insistence of individuals who claimed that it was enshrined in sharia law and could not be altered. Only one type of jurisprudence was used in Oman: the generic Islamic jurisprudence. The diverse jurisprudence of specific schools of thought were not applied. It was worth pointing out that the jurisprudence, and the Personal Status Act, were evolving over time.

61. The legal age of marriage was 18 years; however, under the Personal Status Act, there were exceptions if marriage was considered to be in the interests of the parties concerned and was authorized by a judge. Forced marriage was not possible, since a marriage could only be entered into with the consent of both parties and, in the case of a person under 18, with the approval of a judge. Inheritance rights were admittedly complex and were governed by sharia law. Changes could be deemed unconstitutional, which was why no concrete progress had yet been made in that regard. Lastly, no time frame had been established for the withdrawal of the country's remaining reservations. It was hoped, however, that the reservation to article 15 (4) of the Convention, regarding freedom of movement, would be withdrawn in short course.

62. **Ms. Al Raqaishi** (Oman) said that the amendments to the Passport Act had been published in the *Official Gazette* and widely disseminated on social media and in the traditional media. In fact, women had had the right to freely travel even before the amendment had been made.

63. **Ms. Haidar**, while thanking the delegation for the information provided, said that she remained concerned about women's rights under the Personal Status Act. In particular, the Act imposed certain obligations on women and demanded their obedience. A woman who was the main breadwinner had the same responsibilities but not the same privileges as a male breadwinner. It was not a religious matter, but a question of justice and equality, which were the cornerstone of Islam.

64. **Mr. Al Kalbani** (Oman) said that the questions, comments and recommendations made by the Committee would be relayed to the Government and would help to drive further progress in the area of Omani women's rights. Advances already made had been achieved thanks to two main agents who were driving change in Oman: the Government, headed by His Majesty the Sultan, and the Committee and other treaty bodies, which

provided support and guidance. There was a deep desire to promote women's rights and participation at all levels and to grant them the same rights as were enjoyed by other women around the world.

65. **Mr.** Abdulla Nasser **Al Rahbi** (Oman) said that he wished to reaffirm his country's commitment to upholding women's rights in every area of life. Oman was on the path to the full realization of all human rights, as part of a process of reform pursued over four decades that placed humans front and centre. It was a challenging road ahead that required the participation of many different stakeholders, but there was clear political will to achieve the country's goal.

The meeting rose at 5 p.m.